

Alexander Saitov

April 5, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

RANDY LUNDY, )  
Plaintiff, )  
 )  
-vs- ) No. CIV-22-699-F  
 )  
HL MOTOR GROUP, INC., ET )  
AL., )  
Defendants. )

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FARMERS MUTUAL FIRE INSURANCE )  
COMPANY OF OKARCHE, )  
Plaintiff, )  
 )  
-vs- )  
 )  
HL MOTOR GROUP, INC., ET AL. )  
Defendants. )

VIDEOTAPED/TELECONFERENCE DEPOSITION OF ALEXANDER SAITOV  
TAKEN ON BEHALF OF  
FARMERS MUTUAL FIRE INSURANCE COMPANY OF OKARCHE  
ON APRIL 5, 2023

REPORTED BY: MARTA MATTINGLY, CSR, RMR

1 questions within topic Number 1?

2 A I think I am.

3 Q All right. And what about Number 2, Mr.  
4 Milanovic's driving record prior to the subject  
5 accident, do you have some knowledge that you can share  
6 with us regarding that topic?

7 A Yes.

8 Q 3, "Any investigation conducted by this  
9 Defendant to determine the amount of money paid by  
10 Plaintiff to its insured, Earlene Carr under the  
11 insurance policy issued to Ms. Carr by FMFICO," that's  
12 -- those are the initials of my client, "as a result of  
13 the subject accident and loss." Do you have any  
14 knowledge or information to provide in connection with  
15 that topic?

16 A No.

17 Q You don't? Okay.

18 MR. PIGNATO: Let me ask, Michael, we  
19 have discussed off the record at the last deposition, at  
20 least my understanding of that discussion was, that  
21 there was not going to be any kind of objection asserted  
22 to the amount -- the damages that my client is seeking  
23 in this lawsuit. I think the same applied to the Lundy  
24 lawsuit, also. Can you confirm or clarify that?

25 MR. FRANZ: I will confirm that, yes.

1 between impairment, when driver is impaired by whatever  
2 reason is, by fatigue or by dehydration, to the extent  
3 that he is not able to control the vehicle and the  
4 reason of that as mild dehydration. So I don't  
5 understand what it means. Give me an objective  
6 definition of -- definition of mild dehydration.

7 Q I can't -- I can't give you a medical  
8 definition. But I am simply -- the purpose of my  
9 questions today is just to find out if you are aware of  
10 the concept, that dehydration leads to impairment, leads  
11 to a driver not being his physical and mental best? Are  
12 you aware of it or not?

13 A As I previously mentioned, I would agree that  
14 extreme dehydration, to the extreme levels, to the  
15 extreme levels, would lead to the impairment, which  
16 would affect the ability to operate a commercial motor  
17 vehicle.

18 Q All right. And do you agree that an extreme  
19 level of dehydration would be a preventable circumstance  
20 by the driver?

21 A I would agree.

22 Q If a person had dehydration to the extent that  
23 they lost consciousness, you would agree that would be  
24 preventable by the truck driver?

25 A I would agree.

1 Q All right. So does HL provide any new hire,  
2 long-haul, truck drivers any training regarding proper  
3 hydration?

4 A That is not part of our training program.

5 Q Does HL have any policies in place to prevent  
6 incidents of driver dehydration?

7 A It's not of our policies.

8 Q So, then, is it HL's position that proper  
9 hydration for its drivers is solely the responsibility  
10 of the truck driver?

11 A It is obviously a responsibility of the truck  
12 driver. But, again, what HL does, it enforces hours of  
13 service policy, requiring drivers to take rest breaks,  
14 specifically for theirs needs of drinking water, eating  
15 properly, and other issues relating to their health and  
16 well-being.

17 Q All right. So as long as the driver stops at  
18 least once every eight hours, then the responsibility to  
19 stay hydrated rests solely with the driver?

20 A Responsibility stays, yes, with the truck  
21 driver, yes.

22 Q And I think you have already said this, but  
23 just to be clear, do you agree that dehydration is  
24 100 percent avoidable?

25 A Dehydration is 100 percent avoidable, yes.

1 Q And you also would agree a driver is  
2 responsible for keeping himself physically and mentally  
3 alert while driving; agree?

4 A Can you repeat it again?

5 Q Sure. A driver is responsible for keeping  
6 himself physically and mentally alert while driving?

7 A Absolutely.

8 Q All right. A driver is responsible for  
9 ensuring that he or she is properly hydrated at all  
10 times to avoid any negative effects of dehydration;  
11 agree?

12 A Can you repeat again?

13 Q Sure. A driver is responsible for ensuring  
14 that he or she is properly hydrated at all times to  
15 avoid any negative health consequences of the  
16 dehydration, that might impair the ability to drive?

17 A Agree.

18 Q And, of course, a driver is responsible for  
19 being aware of the signs of fatigue or dizziness or  
20 weakness or any other symptom that could impair one's  
21 ability to operate a 55,000-pound motor vehicle at  
22 seventy-five miles per hour safely; agree?

23 A Agree.

24 Q And in this context, I want you to assume that  
25 Mr. Milanovic was dehydrated and that's why, as you say,

1 he lost consciousness. All right?

2 A Not all right.

3 Q Say again?

4 A Not all right. You want me to assume. I  
5 don't assume.

6 Q Well, you do assume, and you've testified  
7 previously to Mr. Pignato, you do assume that your  
8 driver lost consciousness before he left the roadway;  
9 correct?

10 A Correct.

11 Q All right. So I want you to assume for the  
12 moment that your defense in this case, whether you know  
13 it or not, is that your driver was dehydrated and that's  
14 why he lost consciousness. Okay? Will you make that  
15 assumption with me for purposes of these questions?

16 A So you just want me to hypothetically assume?

17 Q I want you to assume my hypothetical, which  
18 is, your driver lost consciousness because he was  
19 dehydrated, yes. Will you assume that for purposes of  
20 my question?

21 A For the purposes of -- just for the sake of  
22 the question, I can hypothetically assume it.

23 Q So you would agree, if those were the facts,  
24 that would be a self-induced condition, that is,  
25 dehydration?

1 A That would be self-induced, sorry, what?

2 Q The condition, the medical condition here, of  
3 dehydration, would be self-induced; agree?

4 A Medical condition. So dehydration as a  
5 medical condition will be self-induced by the driver;  
6 right?

7 Q That's my question to you. If the driver  
8 becomes dehydrated and that's the reason he lost  
9 consciousness, that is a self-induced medical condition;  
10 agree?

11 A Agree.

12 Q Entirely preventable by the driver?

13 A Absolutely preventable.

14 Q All right. Now, I want you to also assume  
15 that the driver, your driver, has testified in this case  
16 that one of the problems he was having while driving on  
17 this hot, summer day through Missouri and Oklahoma in  
18 ninety plus degree temperatures is that the  
19 air-conditioning unit of his truck was not functioning  
20 properly. Okay? Will you make that assumption with me?

21 A Okay. Let's make an assumption.

22 Q Okay. You agree with me, that would also be a  
23 preventable factor; right, sir?

24 A In terms of repair of conditioner, yes.

25 Q So if a driver is feeling fatigued or dizzy

1 due to dehydration, brought about by the absence of  
2 fluids and/or the rising temperatures in his truck,  
3 those are preventable factors; correct?

4 A Correct.

5 Q All right. A driver is responsible for  
6 pulling over immediately on any signs or symptoms of  
7 dehydration or other health factors that influence his  
8 ability to drive the truck safely; right?

9 A No.

10 Q He is not responsible for pulling over  
11 immediately among signs or symptoms that he can't  
12 properly operate the truck?

13 A Not necessarily immediately.

14 Q Well, as soon as he can do so safely.

15 A As soon as he can do it safely.

16 Q All right. You wouldn't want him slamming on  
17 the brakes in the middle of the highway; right?

18 A Right.

19 Q If he couldn't get adequately off the roadway,  
20 and therefore became a hazard on the side of the road,  
21 you wouldn't want that; right?

22 A Right.

23 Q But as soon as a truck driver could get to an  
24 exit, if he's having signs or symptoms of heat or other  
25 health issues that prevent him from operating the truck



1 safely, you would expect him to pull over as soon as it  
2 was safe to do so?

3 A Absolutely.

4 Q If a driver fails to do that, puts himself in  
5 a state of dehydration by not consuming sufficient  
6 fluids, not getting enough minerals, maybe operating a  
7 truck that's too hot, and succumbs to this condition and  
8 a collision results, you would agree that collision is  
9 entirely that driver's fault?

10 A I wouldn't.

11 Q You wouldn't agree with that?

12 A I wouldn't agree with it.

13 Q So what part of it do you disagree with?

14 A Not necessarily dehydration would play such a  
15 role, that it would affect his ability to operate the  
16 motor vehicle to such extent that he wouldn't be able to  
17 operate safely.

18 Q So you are saying you don't -- you don't know  
19 if that occurred here?

20 A As I previously said, your assumption implies  
21 that any sign, any sign. I, again, am pretty sure that  
22 only extreme level dehydration would lead to the  
23 condition where he is not able to operate the vehicle  
24 safely.

25 Q Let's see if you and I can agree on something.

1 Does it seem plausible or implausible to you that a  
2 person would drive a good part of a hot August day in  
3 Missouri and Oklahoma, while suffering from such severe  
4 dehydration, that he loses consciousness and runs off  
5 the road, yet, he wouldn't have any symptoms at all  
6 before the moment he lost consciousness? Does that seem  
7 plausible or implausible?

8 A You know, speaking about some hypothetical --

9 Q Plausible or implausible, sir?

10 A Can I please answer your question?

11 Q You can answer the question, then you can  
12 elaborate all you would like. Does that seem plausible  
13 or implausible?

14 A Sir, would you allow me to answer the  
15 question? I will answer the question.

16 Q I would ask that you do so. Is it plausible  
17 or implausible? Then you can explain your answer.

18 A My explanation is that, specifically in case  
19 of Ognjen Milanovic, looking at his logbook, took a  
20 restroom break three hours before the accident, it's  
21 not -- it's not possible in his situation, because he  
22 had three hours before that took a rest break of  
23 forty-five minutes, as I see on his logbook.

24 And for me, three hours of driving is not  
25 enough to get to such a level of dehydration, that he

1 would be able to lose control, lose consciousness, lose  
2 control of his vehicle.

3 Maybe in some other case it's plausible, with  
4 some other guy, who probably, possibly drove without the  
5 rest break, not three hours, but let's say, I don't  
6 know, fifteen hours.

7 But in his case, in his specific case, where  
8 we know exactly that he took a break three hours before  
9 the accident, that is not plaus -- it's not possible.

10 Q All right. I think we might be saying the  
11 same thing, but let me try to make sure about that  
12 before I move on. You are saying, that because this man  
13 took a 45-minute break just three hours earlier, you  
14 believe it is not plausible that he succumbed to  
15 dehydration in an instant and lost consciousness and ran  
16 off the road without experiencing any other symptoms  
17 first? Do you agree with that?

18 A Sir, I -- again, I am not medical  
19 professional.

20 Q I accept that. I am asking for --

21 A I don't know whether it happens in an instant.  
22 I have no idea how it happens. Maybe it takes a few  
23 minutes. I don't know. So if you could rephrase your  
24 question, then I would be able to properly answer it.

25 Q I am not sure I can. You are relying on the

1 fact that this gentleman took a three-hour break -- I'm  
2 sorry, a 45-minute break three hours before; right?

3 A Yes. He took a rest, yeah.

4 Q And because of that, you do not believe that  
5 he succumbed to dehydration, to the extent that he lost  
6 consciousness and ran off the roadway; right?

7 A I don't believe that he succumbed to,  
8 specifically to the reason of dehydration.

9 Q Okay.

10 A Because of dehydration.

11 Q You believe that makes no practical sense to  
12 you?

13 A Correct.

14 Q As the safety manager and/or vice-president of  
15 safety for this company for some eight plus years;  
16 right?

17 A I think practically he took a rest break of  
18 forty-five minutes, which is more than enough for him to  
19 drink water, eat properly. And I don't believe that he  
20 taking rest -- that rest break, wouldn't be able to do  
21 it.

22 Q Would common sense, and I know you are not a  
23 medical doctor, but would common sense, if dehydration  
24 was the medical condition that caused him to lose  
25 consciousness, if that's true, okay, do you believe, in

1 your experience in life and as the safety manager for  
2 this company, that it's possible for a person to succumb  
3 to dehydration at such a fast rate, that the very first  
4 sign of a problem was the loss of consciousness?

5 A Sir, for all of my experience, and I think  
6 I've had a relatively large experience with a large  
7 number of accidents, I never, ever observed weakness  
8 that dehydration played any such role.

9 Q In causing a driver to lose consciousness and  
10 have a collision?

11 A Yes.

12 Q All right. And you make a good point. I  
13 mean, you've probably investigated hundreds of  
14 accidents, a thousand or more?

15 A I don't know the exact number. But from my  
16 experience, I knew cases where drivers were able to  
17 travel with not working AC and they were able to travel  
18 large distances. And it didn't lead to the loss of --  
19 their ability to operate commercial vehicle was not  
20 impaired to such -- to such a level, where they lost  
21 consciousness and lost control of their vehicle.

22 Q Well, you make me pause and ask this, then.  
23 You are telling me that you have seen situations where  
24 drivers operate on hot days with not fully functioning  
25 air-conditioning units.

1 summer months, particularly in the south, can contribute  
2 to drivers overheating, becoming dehydrated, fatigued,  
3 et cetera; correct?

4 A Correct.

5 Q All right. So is HL responsible for ensuring  
6 that the AC units in its big rigs are functioning  
7 properly?

8 A Correct.

9 Q And at the same time is the driver responsible  
10 for reporting any problems with the AC unit in the truck  
11 he or she is driving?

12 A Absolutely correct.

13 Q All right. Is it -- is it acceptable to HL,  
14 that a driver from northern climates, on his very first  
15 trip for HL into the south in the hot summer months,  
16 drove ten plus hours on a ninety plus degree day with a  
17 poorly performing air-conditioning unit in his truck and  
18 did not report that to the company?

19 A Yeah. That's -- that's not acceptable. A  
20 driver always -- any driver is supposed to report  
21 anything to the company right away.

22 Q And you have investigated this accident  
23 thoroughly. Have you come across any evidence at all  
24 that your driver, Mr. Milanovic, reported to the company  
25 before, during, or after his trip, that the

1 air-conditioning unit was performing poorly?

2 A He had never reported any of that.

3 Q Okay. Would it be acceptable, if that same  
4 driver in those same circumstances, driving ten plus  
5 hours in the heat, becomes dehydrated, loses  
6 consciousness, and drives off the road into family  
7 residences, is that acceptable to HL?

8 A Absolutely not acceptable.

9 Q All right.

10 A I'm sorry, my camera.

11 Q And do you agree, if those are the facts, the  
12 accident I just described, you would agree with me that  
13 accident would be entirely preventable?

14 A Would I agree, this vehicle accident would be  
15 preventable?

16 Q Yes. If the facts are as I laid out to you.  
17 And I am really focusing on two facts. You have got a  
18 poorly performing air-conditioning unit and a driver who  
19 becomes dehydrated to the point of losing consciousness.  
20 Those two factors are both entirely preventable, aren't  
21 they, sir?

22 A So he -- if, again, we assume that he got  
23 dehydrated to the point of losing consciousness, if.

24 Q Yes. And, in part, his dehydration was  
25 brought about by a poorly functioning air conditioner,